

Jeffrey M. ...

APR 6 - 1995

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

U.S. DISTRICT COURT
WESTERN DIST. KENTUCKY

COPY

UNITED STATES OF AMERICA
Plaintiff,

v.

BEN HARDY, et al.,
Defendants.

Civil Action Nos.
90-0695-L(J)
90-0792-L(J)

STIPULATION

Plaintiff the United States of America and Defendants Ben B. Hardy, J H Realty, Inc. and The Hofgesang Foundation, Inc., by their respective attorneys, stipulate as follows:

1. There has been a release or a threatened release of a hazardous substance from the Lee's Lane Landfill Superfund Site.
2. The Site is a facility within the meaning of Section 101 of CERCLA, 42 U.S.C. § 9601.
3. The release or threatened release has caused the United States to incur response costs.
4. The Hofgesang Foundation, Inc. and J H Realty, Inc. are current owners respectively of different portions of the Site.
5. The total costs as of August 23, 1994, that EPA incurred in performing response actions at the Site, not including certain attorney's fees and prejudgment interest, are \$4,017,165.43.
6. The interest on the outstanding balance as of August 23, 1994, was \$1,361,580.76.
7. The total costs as of August 23, 1994, not including attorney's fees and subsequent interest, are \$5,378,746.19.
8. The United States has already entered into settlements with twenty-five (25) defendants in connection with the Site. The settlements are embodied in two consent decrees which have been entered by the Court.
9. Pursuant to the consent decrees, the settling parties have reimbursed the United States for \$3,101,230.00 of the \$5,378,746.19 in costs incurred by EPA.

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10. The response actions of the United States relating to the incurred costs are not inconsistent with the National Contingency Plan.

The parties reserve the right to argue that other matters and issues are still in dispute or are no longer in dispute.

Assistant Attorney General
Environment & Natural
Resources Division

Ben B. Hardy, J H Realty, Inc.
and The Hofgesang Foundation, Inc.

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